

Membership Balance Plan  
Advisory Council on Dependents' Education

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 20 U.S.C. § 929 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Advisory Council on Dependents' Education ("the Council").
2. Mission/Function: The Council shall perform the following functions in order to provide independent advice and recommendations to the Director, Department of Defense Education Activity ("the Director") and the Secretary of Defense, as appropriate, on matters relating to the DoD dependents' education system:
  - a. Recommend to the Director general policies for operation of the defense dependents' education system with respect to curriculum selection, administration, and operation of the system;
  - b. Provide information to the Director from other Federal agencies concerned with primary and secondary education with respect to education program and practices which such agencies have found to be effective and which should be considered for inclusion in the defense dependents' education system;
  - c. Advise the Director on the design of the study and the selection of the contractor referred to in 20 U.S.C. § 930(a)(2); and
  - d. Perform such other tasks as may be required by the Secretary of Defense.
3. Points of View: The Council shall, pursuant to 20 U.S.C. § 929(a), shall be composed of the following 16 members:
  - a. The Secretary of Defense and the Secretary of Education, or their respective designees;
  - b. Twelve individuals appointed jointly by the Secretary of Defense and the Secretary of Education who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and parents of students enrolled in the defense dependents' education system, and one student enrolled in such system; and
  - c. A representative of the Secretary of Defense and of the Secretary of Education.

Council members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109 to serve as special government employees (SGE) members. Council members, who are full-time or permanent part-time Federal employees, shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as regular government employees (RGE) members.

The DoD, in selecting potential candidates for the Council, reviews the educational and professional credentials of individuals and bases its selection on this review, the subject matters being handled by the Council, and the requirements set forth in 20 U.S.C. § 929(a). The Department has found that viewing the complex issues facing the Department through a multidisciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions. Members of the Council are appointed to

Membership Balance Plan  
Advisory Council on Dependents' Education

provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Council's membership balance is not static and the Secretary of Defense, in coordination with the Secretary of Education, may change the membership based upon work assigned to the Council by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the Sponsor. The Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: N/A
5. Candidate Identification Process: The DoD, in selecting candidates for the Council in coordination with the Secretary of Education, reviews the educational and professional credentials of individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, parents of students enrolled in the DoD dependents' education system, and one student enrolled in such system. Potential candidates are identified when the Council's Designated Federal Officer, requests a list of potential candidates from DoD and the Department of Education. Senior officials from both Departments identify and submit a list of potential candidates, along with their biographies and nomination memos to the Director.

Once potential candidates are identified, the Director reviews the credentials of each individual and narrows the list of potential candidates. During the Director's review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters to be reviewed by the Council to achieve expertise in points of view represented and functions to be performed.

After the list of candidates has been narrowed, it is forwarded to the USD(P&R) for review and formal nomination to the Secretary of Education and then to the Secretary of Defense or the Deputy Secretary of Defense. Prior to nominating the potential candidates, the list will undergo a review by the Office of General Counsel for the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Council's charter and membership balance plan. Following this review, the USD(P&R) formally nominates the potential candidates to the Secretary of Education and then the Secretary of Defense and the Secretary of Education for approval.

Following approval by the Secretary of Defense and Secretary of Education, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

Council member vacancies will be filled in the same manner as described in the previous four paragraphs above. The Secretary of Defense or the Deputy Secretary of Defense, in consultation with the Secretary of Education may approve the appointment of Council members for one-to-four year terms of service, except for representatives of professional employee organizations, whose terms of

Membership Balance Plan  
Advisory Council on Dependents' Education

service shall be three years. However, no member, unless authorized by the Secretary of Defense and the Secretary of Education, may serve more than two consecutive terms of service.

6. Subcommittee Balance: The DoD, when necessary and consistent with the Council's mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Council.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as members of the Council, to include annual renewals. Individuals considered for appointment to any subcommittee of the Council may come from the Council itself or from new nominees, as recommended by the USD(P&R) and based upon the subject matter under consideration, but they must be approved by the Secretary of Defense before participating in any subcommittee work.

Subcommittee members, if not full-time or permanent part-time Federal government employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are full-time or permanent part-time Federal government employees shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members. No subcommittee member may serve more than two consecutive terms of service without the Secretary of Defense or Deputy Secretary of Defense approval.

7. Other: As nominees are considered for appointment to the Council, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Committees and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared/Updated: July 10, 2014